

Applicants: Alguera Gallego
 U.S. Serial No: 09/786,041
 International Application No.: PCT/EP99/06338
 International Filing Date: 28 August 1999
 For: "SUPPORTING DEVICE"
 Date: May 11, 2001

Assistant Commissioner for Patents
 Box PCT
 Washington, D.C. 20231

CERTIFICATE OF MAILING

Sir:

The undersigned hereby certifies that the attached **RESPONSE TO A NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US), COPY OF NOTIFICATION OF MISSING REQUIREMENTS (FORM PCT/DO/EO/905, AN EXECUTED DECLARATION, COPY OF NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION (FORM PCT/DO/EO/917), THE SURCHARGE FEE OF \$130.00, A COMPLETE TRANSLATION OF THE INTERNATIONAL APPLICATION, COPY OF NOTICE OF DEFECTIVE TRANSLATION (FORM PCT/DO/EO/913) THE SURCHARGE FEE OF \$130.00, AND SECOND PRELIMINARY AMENDMENT** were mailed to the Assistant Commissioner for Patents, Washington, D.C. 20231, Box PCT, with sufficient first-class postage, no special handling, on **May 11, 2001**, before 5:00 PM, thereby ensuring that such document(s) will be in the hands of the U.S. Postal Service by the close of business this day. Thus, timely response has been made to the outstanding Office Action prior to expiration of the shortened statutory period for the same ending **06/05/01**.

The Commissioner is hereby authorized to charge any fees which might be required or credit any overpayment of fees with regard to the attached document(s) to Account No. **08-3150**.

Respectfully submitted,

HUDAK & SHUNK CO., L.P.A.

Daniel J. Hudak Jr.

By: Daniel J. Hudak, Jr.
 Registration No. 47,669

05/16/2001 UEDUVIJE 00000102 09786041

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 02 FC:156

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 (330) 535-2220
 Attorney Docket No.: **FMW-EE-PCT-US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alguera Gallego
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RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Sir:

In response to a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed 05 April 2001, Applicant hereby encloses a Declaration executed by all the inventors, a complete translation, a check in the amount of \$260.00 for the surcharge fee for the submission of the corrected Declaration and complete translation, along with copies of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), Notice of Defective Translation, and Notification of a Defective Oath or Declaration as required. Also enclosed is a second Preliminary Amendment which amends the missing claims, 9 through 13 claims to put them in better form and delete the multiple dependency. Since the total claims are less than 20 and all the multiple dependencies have been amended, there is no additional fee owed.

Respectfully submitted,

HUDAK & SHUNK CO., L.P.A.



By: Daniel J. Hudak, Jr.
Registration No. 47,669

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Suite 808
Akron, OH 44308-1133
Attorney Docket No.: FMW-EE-PCT-US



U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/786041	ALGUERA GALLEGO	J FMW-EE-PCT-U
		INTERNATIONAL APPLICATION NO.
		PCT/EP99/06338
		I.A. FILING DATE
		28 AUG 99
		PRIORITY DATE
		28 AUG 98

DANIEL J HUDAK
HUDAK & SHUNK
7 WEST BOWERY STREET SUITE 806
AKRON, OH 44308 1133

DATE MAILED: **05 APR 2001**

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventor(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

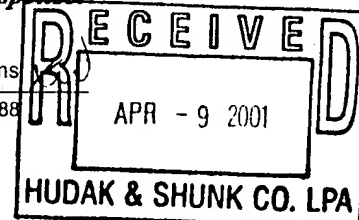
A copy of this notice MUST be returned with this response

- Enclosed: ☒ PCT/DO/EO/917 ☒ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

Karen Williams

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3688





U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/786041	ALGUERA GALLEG0	J FMW-EE-PCT-U
INTERNATIONAL APPLICATION NO.		
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28 AUG 99	28 AUG 98	

DANIEL J HUDAK
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7 WEST BOWERY STREET SUITE 806
AKRON, OH 44308 1133

DATE MAILED: **05 APR 2001**

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Karen Williams *Ka.W.*
Telephone: 703-305-3688



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.

09/786041

ATTACHMENT TO FORM PCT/DO/EO/

NOTICE OF DEFECTIVE TRANSLATION

The received translation is defective because:

- ☐ (1) The text in the drawings has not been properly translated;
- ☒ (2) The number of claims in the International Application and the number of claims in the translation are not the same;
- ☐ (3) The translation of the International Application is incomplete as a number of pages are missing;
- ☐ (4) Other.

Karen Williams *KW*

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